

04-10-01

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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME Vincent Diaz

SIGNED

Vm Diaz

04/09/01

Patent No. A-63487-3/RFT/JJD

Anticipated Classification of this Application:

Class: Subclass:

Patent Application

Examiner: N. Degen

Art Unit: 1636

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
☒ Continuation
☐ Divisional
☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Laura C. Simmons and Daniel G. Yansura
(Names of ALL Applicants)

for METHODS AND COMPOSITIONS FOR SECRETION OF HETEROLOGOUS POLYPEPTIDES
(Title of Invention)

This ☒ continuation ☐ divisional ☐ continuation-in-part
claims priority to pending application Serial No. 08/397,303, filed on March 1, 1995.

1. (a) ☐ Enclosed is a new application.
 (b) ☐ Enclosed is a continuation-in-part application.
 (c) ☒ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
 (b) ☒ Enclosed is a copy of the prior Combined Declaration and Power of Attorney dated 4/5/95, and the Associate Power of Attorney dated 10/20/00 as filed with the prior application.
3. (a) ☐ Enclosed is a Small Entity Affidavit.
 (b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355		\$710
TOTAL CLAIMS	<u> </u> - 20 =	*	× 9 =	\$	× 18 =	\$
INDEP CLAIMS	<u> </u> - 3 =	*	× 39 =	\$	× 78 =	\$
MULTIPLE DEPENDENT CLAIM PRESENTED <u> </u> yes <u> </u> no			+130 =	\$	+260 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$	TOTAL	\$

U.S. PTO
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#8a
Beta
5/5/02

6. ☒ Our check in the amount of \$ 710.00 is enclosed.
☒ The filing fee is NOT being submitted with this transmittal letter.

7. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. ☒ Amend the specification by inserting before the first line the sentence:

--This is a ☒ continuation ☐ divisional ☐ continuation-in-part

of application Serial No. 08/397,303 filed March 1, 1995, now US 6,242,177.

9. (a) ☐ Informal drawings are enclosed.
(b) ☒ Formal drawings are enclosed.
10. (a) ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.
(b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. ☒ The prior application is assigned of record to GENENTECH, INC.

12. ☒ The power of attorney in the prior application is to:

Name: Richard F. Trecartin, Esq.
Address: Flehr Hohbach Test Albritton & Herbert LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187

- (a) ☐ The power appears in the original papers in the prior application.
(b) ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) ☒ A new power has been executed and is enclosed.
(d) ☒ Address all future communications to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 08/397,303 as originally filed on March 1, 1995.

Date: April 9, 2001

Signature: James J. Diehl

James J. Diehl, Reg. No. 47,527
For Richard F. Trecartin, Reg. No. 31,801

Address of Signer:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
4 Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

☒ Attorney or agent of record

☐ Filed under Section 1.34(a)